

AT A SPECIAL CALLED MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON WEDNESDAY, FEBRUARY 22, 2006.

Board Members Present:

John F. Coates, Chairman
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Chris Hively, County Engineer
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 5:00 p.m.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the agenda as published.

Mr. Coates called for voice vote.

Ayes – Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Maddox asked to speak to the Board before entering into Closed Session. Mr. Maddox said it had been called to his attention that a question was raised whether or not proper notice was given of this meeting, and he was of the opinion that proper notice was given because the notice was provided to the media last Friday about mid-afternoon. There is a three working day notice requirement for general meetings, but there was not such a requirement for special called meetings. The individual questioning the notice was actually given 5 days notice. Mr. Maddox further stated that there was a separate section of the Freedom of Information Act (FOIA) statute dealing with special meetings, and it did not specify that any particular time notice must be provided. Secondly, there were circumstances under the FOIA, to which the Act had no or limited application, but the newspapers for the last several days seem to indicate that a boundary adjustment was a very important issue with the Town. He stated that he had discussed this issue with outside attorneys and all were in agreement that §15.2-3400 would be the appropriate statute to proceed under because that section allowed for the most complex agreements and also allowed for the most flexibility for governmental units to reach an agreement on a variety of topics, not just in particular boundary adjustments.

Mr. Maddox further informed the members of the Board that the Commission on Local Governments, which was created by the General Assembly under § 15.2 Article 2900 was generally tasked with reviewing any agreements that were reached under the Section 3400. He referred to other sections of the Code, which indicated the Commission could serve as a mediator between localities and the Commission could do many things that the Town and County were interested in, or at least considering. So, assuming that boundary adjustment was a topic of the meeting, he pointed out Section 15.2-2907, which discussed the powers of the Commission on Local Governments, sub-section D, which excluded applicability of the Freedom of Information Act. It was his opinion that under this statute discussions of boundary adjustments and/or related topics may well not be covered by FOIA. He said the Freedom of Information Act and its notice requirements did not apply and restated that the notice of this meeting was properly publicized.

Mr. Chase asked who questioned whether or not this meeting was properly advertised. Mr. Maddox yielded to Mr. Aylor. Mr. Aylor replied that it was Mr. Wally Bunker.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons: Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and Staff to consider entering into one or more agreements with another public entity, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mr. Chase.

Mr. Coates called for voice vote on motion.

Ayes – Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

The Board entered into closed session at 5:10 p.m.

The Board returned to open session at 7:55 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was present for the closed session, which he agreed to, but had to leave during the closed session for emergency reasons.

Ayes – Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

RE: CONTINUE NEGOTIATIONS WITH THE TOWN

Mr. Nixon moved, seconded by Mr. Aylor, that the Board endorses and directs the staff to continue the negotiations with the Town staff towards a regional water and sewer authority and related issues.

Mr. Coates called for voice vote on motion.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 7:58 p.m. Seconded by Mr. Nixon.

Mr. Coates called for voice vote on motion.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

Frank T. Bossio
Clerk to the Board

APPROVED: March 7, 2006